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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/851,038	05/07/2001	Quintin T. Phillips	10003896-1	2163
22879 7590 07/01/2009 HEWLETT PACKARD COMPANY P O BOX 272400, 3404 E. HARMONY ROAD INTELLECTUAL PROPERTY ADMINISTRATION FORT COLLINS, CO 80527-2400				
EXAMINER PHAM, THIERRY L				
ART UNIT		PAPER NUMBER		
2625				
MAIL DATE		DELIVERY MODE		
07/01/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte: QUINTIN T. PHILIPS

Appeal No. 2008-001480
Application No. 09/851,038
Technology Center 2600

Mailed: July 1, 2009

Before DALE M. SHAW, *Chief Appeals Administrator*

ORDER REMANDING TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on January 10, 2008. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter(s) requiring attention prior to docketing.

EXAMINER'S ANSWER, EVIDENCE RELIED UPON

Section §1207.02 of the *Manual of Patent Examining Procedure*

(MPEP) (Eighth Edition, Rev. 6, September 2007) states:

(A) CONTENT REQUIREMENTS FOR EXAMINER'S ANSWER. The examiner's answer is required to include, under appropriate headings, in the order indicated, the following items:

. . . .

- (8) Evidence Relied Upon. A listing of the evidence relied on (e.g., patents, publications, admitted prior art), and in the case of nonpatent references, the relevant page or pages.

The Examiner's Answer mailed may 2, 2007, is deficient because the "Evidence Relied Upon" section fails to include the reference(s) Yabe and Munetomo cited on page(s) 6 and 7 in the Examiner's Answer's grounds of rejection of claims 3, 29, 30, and 34 under 35 USC § 35 U.S.C. 103(a)

Appropriate correction is required.

CONCLUSION

Accordingly, it is

ORDERED that this application be returned to the Examiner to:

- 1) to issue a PTO-90 citing the missing references listed under the Evidence Relied Upon section, paragraph (8); and
- 2) such further action as may be required.

Appeal No. 2008-001480
Application No. 09/851,038

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

DS/jsd

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